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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

March 31, 2005

Table of Contents

	<u>Page</u>
Motions	2
Meeting Called to Order	6
Licensee Discipline	6
Consent Agenda	8
Communication	8
Clean-up of Special Education Rules – Notice	11
Family and Consumer Sciences Rules – Notice	12
Class A License as Bridge to Standard License – Notice	12
Penalty for Failure to Have Appropriate Licensure – Deferred	13
Out-of-State Applicants – First Reading	13
Board Calendar	13
Adjournment	13

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Motions**

7
8 **March 31, 2005**
9
10

11 Anita Westerhaus moved, with a second by William Haigh, that the Board go
12 into closed session for the purposes of discussing whether to initiate licensee
13 disciplinary proceedings and discussing the decision to be rendered in a
14 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15 **MOTION CARRIED UNANIMOUSLY.**
16

17 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
18 **05-06**, In the Matter of: Jeremy David Hendricks, the Board accept the
19 Respondent's waiver of hearing and voluntary surrender and that the Board
20 issue an order permanently revoking the Respondent's license with no
21 possibility of reinstatement. Roll call vote: Aboud – yes; Robinson – yes; Carter
22 – yes; Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes; Wellborn – yes;
23 Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION CARRIED**
24 **UNANIMOUSLY.**
25

26 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
27 **number 04-27**, the Board find that although factual allegations in the
28 complaint were substantiated, the investigation found that the Respondent was
29 unconditionally released from her teaching contract; so there was no violation
30 of Board rule. Roll call vote: Aboud – yes; Robinson – yes; Carter – yes;
31 Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes; Wellborn – yes;
32 Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION CARRIED**
33 **UNANIMOUSLY.**

1 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
2 **number 04-28**, the Board find that although factual allegations in the
3 complaint were substantiated, the investigation found that the Respondent was
4 unconditionally released from her teaching contract; so there was no violation
5 of Board rule. Roll call vote: Aboud – yes; Robinson – yes; Carter – yes;
6 Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes; Wellborn – yes;
7 Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION CARRIED**
8 **UNANIMOUSLY.**

10 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
11 **number 04-29**, In the Matter of: Timothy John Fienup, the Board find
12 probable cause to establish a violation of the following provision of the Code of
13 Professional Conduct and Ethics: 282—25.3(6)(c), and order this case set for
14 hearing. Roll call vote: Haigh – yes; Westerhaus – yes; Wellborn – yes; Jeffrey –
15 yes; Paulsen – yes; Chen – yes; Seeland – yes; Carter – yes; Robinson – yes;
16 Aboud – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

18 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
19 **04-22**, the Board extend the 180-day deadline for issuance of the final
20 decision, due to delay in investigation due to prioritization of cases and court
21 disposition of pending criminal charges. Roll call vote: Aboud – yes; Robinson
22 – yes; Carter – yes; Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes;
23 Wellborn – yes; Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION**
24 **CARRIED UNANIMOUSLY.**

26 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
27 **number 04-23**, In the Matter of: Sidney Lawrence Graham, the Board extend
28 the 180-day deadline for issuance of the final decision, due to the need for
29 additional time to conduct a hearing, prepare a proposed decision, and review
30 the proposed decision by the Board. Roll call vote: Aboud – yes; Robinson –
31 yes; Carter – yes; Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes;
32 Wellborn – yes; Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION**
33 **CARRIED UNANIMOUSLY.**

1 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
2 **number 04-25**, Loess Hills AEA 13 Board of Directors v. Korrie A. Conners, the
3 Board extend the 180-day deadline for issuance of the final decision, due to the
4 need for additional time to conduct a hearing, prepare a proposed decision, and
5 review the proposed decision by the Board. Roll call vote: Aboud – yes;
6 Robinson – yes; Carter – yes; Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey –
7 yes; Wellborn – yes; Westerhaus – yes; Haigh – yes and Hathaway – yes.

8 **MOTION CARRIED UNANIMOUSLY.**

9
10 Jean Seeland moved, with a second by Greg Robinson, to approve the March 4,
11 2005, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

12
13 The vote for election of the vice-chair was as follows: Seeland – Aboud; Carter –
14 Paulsen; Chen – Paulsen; Haigh – Paulsen; Jeffrey – Paulsen; Robinson –
15 Paulsen; and Wellborn – Paulsen. Thomas Paulsen was elected vice-chair.

16
17 John Aboud moved, with a second by Jean Seeland, to file under Notice of
18 Intended Action, the changes to the rules in Chapter 15 that are needed to
19 clarify the rules that are being enforced and that would eliminate any conflict
20 that may exist between the old rules and the new rules for the special
21 education endorsements. **MOTION CARRIED UNANIMOUSLY.**

22
23 John Aboud moved, with a second by Greg Robinson, to file under Notice of
24 Intended Action, the proposed changes to Chapters 14 and 16 that update the
25 language in the endorsements to reflect the national standards by which
26 practitioners in the field of family and consumer sciences (formerly home
27 economics) now teach. **MOTION CARRIED UNANIMOUSLY.**

28
29 John Aboud moved, with a second by Anita Westerhaus, to issue a Class A
30 license as a bridge to the standard license to those applicants in the second
31 year of the mentoring and induction program, but whose license expires before
32 the second year is completed, and to those applicants who have taught for two

1 years in a nonpublic school setting and need one additional year to convert to
2 the standard license. **MOTION CARRIED UNANIMOUSLY.**

3

4 John Aboud moved, with a second by Greg Robinson, to move the proposed
5 amendments regarding out-of-state applicants with respect to recognized non-
6 Iowa institutions, exchange licenses and the Class A license to the next level of
7 the rulemaking process. **MOTION CARRIED UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **March 31, 2005**
8

9 The Board of Educational Examiners held its monthly meeting on March 31,
10 2005. Board Chair Peter Hathaway called the meeting to order at 8:34 a.m.
11 Members attending were John Aboud, Brian Carter, Ying Ying Chen, William
12 Haigh, Peter Hathaway, Judy Jeffrey, Thomas Paulsen, Dr. Greg Robinson,
13 Jean Seeland, Jacqueline Wellborn and Anita Westerhaus. Also in attendance
14 were Dr. George Maurer, Executive Director of the Board; Christie Scase and
15 Jeanie Vaudt, Assistant Attorneys General and legal counsel to the Board;
16 Barbara Hendrickson, Board Secretary; and other visitors. Ms. Scase and Ms.
17 Vaudt joined the afternoon session at 12:42 p.m. and 12:47 p.m., respectively.
18

19 Anita Westerhaus moved, with a second by William Haigh, that the Board go
20 into closed session for the purposes of discussing whether to initiate licensee
21 disciplinary proceedings and discussing the decision to be rendered in a
22 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

23 **MOTION CARRIED UNANIMOUSLY.**
24

25 The Board reconvened into open session at 9:24 a.m.
26

27 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
28 **05-06**, In the Matter of: Jeremy David Hendricks, the Board accept the
29 Respondent's waiver of hearing and voluntary surrender and that the Board
30 issue an order permanently revoking the Respondent's license with no
31 possibility of reinstatement. Roll call vote: Aboud – yes; Robinson – yes; Carter
32 – yes; Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes; Wellborn – yes;

1 Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION CARRIED**
2 **UNANIMOUSLY.**

3
4 Jacqueline Wellborn moved, with a second by William Haigh, that in case
5 number 04-27, the Board find that although factual allegations in the
6 complaint were substantiated, the investigation found that the Respondent was
7 unconditionally released from her teaching contract; so there was no violation
8 of Board rule. Roll call vote: Aboud – yes; Robinson – yes; Carter – yes;
9 Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes; Wellborn – yes;
10 Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION CARRIED**
11 **UNANIMOUSLY.**

12
13 Jacqueline Wellborn moved, with a second by William Haigh, that in case
14 number 04-28, the Board find that although factual allegations in the
15 complaint were substantiated, the investigation found that the Respondent was
16 unconditionally released from her teaching contract; so there was no violation
17 of Board rule. Roll call vote: Aboud – yes; Robinson – yes; Carter – yes;
18 Seeland – yes; Chen – yes; Paulsen – yes; Jeffrey – yes; Wellborn – yes;
19 Westerhaus – yes; Haigh – yes and Hathaway – yes. **MOTION CARRIED**
20 **UNANIMOUSLY.**

21
22 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in case
23 number 04-29, In the Matter of: Timothy John Fienup, the Board find
24 probable cause to establish a violation of the following provision of the Code of
25 Professional Conduct and Ethics: 282—25.3(6)(c), and order this case set for
26 hearing. Roll call vote: Haigh – yes; Westerhaus – yes; Wellborn – yes; Jeffrey –
27 yes; Paulsen – yes; Chen – yes; Seeland – yes; Carter – yes; Robinson – yes;
28 Aboud – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

29
30 William Haigh moved, with a second by Anita Westerhaus, that in case number
31 04-22, the Board extend the 180-day deadline for issuance of the final
32 decision, due to delay in investigation due to prioritization of cases and court
33 disposition of pending criminal charges. Roll call vote: Aboud – yes; Robinson

1 - yes; Carter - yes; Seeland - yes; Chen - yes; Paulsen - yes; Jeffrey - yes;
2 Wellborn - yes; Westerhaus - yes; Haigh - yes and Hathaway - yes. **MOTION**
3 **CARRIED UNANIMOUSLY.**

4
5 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
6 **number 04-23**, In the Matter of: Sidney Lawrence Graham, the Board extend
7 the 180-day deadline for issuance of the final decision, due to the need for
8 additional time to conduct a hearing, prepare a proposed decision, and review
9 the proposed decision by the Board. Roll call vote: Aboud - yes; Robinson -
10 yes; Carter - yes; Seeland - yes; Chen - yes; Paulsen - yes; Jeffrey - yes;
11 Wellborn - yes; Westerhaus - yes; Haigh - yes and Hathaway - yes. **MOTION**
12 **CARRIED UNANIMOUSLY.**

13
14 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
15 **number 04-25**, Loess Hills AEA 13 Board of Directors v. Korrie A. Conners, the
16 Board extend the 180-day deadline for issuance of the final decision, due to the
17 need for additional time to conduct a hearing, prepare a proposed decision, and
18 review the proposed decision by the Board. Roll call vote: Aboud - yes;
19 Robinson - yes; Carter - yes; Seeland - yes; Chen - yes; Paulsen - yes; Jeffrey -
20 yes; Wellborn - yes; Westerhaus - yes; Haigh - yes and Hathaway - yes.
21 **MOTION CARRIED UNANIMOUSLY.**

22
23 Jean Seeland moved, with a second by Greg Robinson, to approve the March 4,
24 2005, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

25
26 Department of Education (DE) Director and soon-to-be senior member of the
27 Board, Judy Jeffrey, acknowledged the eight and four years of service,
28 respectively, of outgoing Board Members Peter Hathaway and Anita
29 Westerhaus. She thanked Mr. Hathaway for his guidance and leadership and
30 Ms. Westerhaus for her research that led to significant Board action. She
31 presented Mr. Hathaway and Ms. Westerhaus each with a personal letter from
32 the Governor and Lieutenant Governor, expressing gratitude for the two board
33 members' contributions, Ms. Jeffrey emphasized the wording, "to the people

1 of the State of Iowa.” She stressed that in their service on the Board, they had
2 protected the children of Iowa, probably the most important contribution they
3 could make. She also gave each one a certificate of appreciation from the
4 Board. Mr. Hathaway and Ms. Westerhaus expressed their own thanks and felt
5 that their time on the Board had been an honor and a privilege, and they were
6 deeply moved by the experiences and camaraderie they had shared with board
7 members.

8
9 Board Chair Peter Hathaway then conducted election of the vice-chair, to whom
10 selected duties might be delegated and who would serve in the absence of DE
11 Director Judy Jeffrey, following her resumption of the position of Board Chair.
12 Candidates John Aboud and Thomas Paulsen had the previous month
13 indicated interest in the position. They chose to abstain and left the room
14 while vote was taken; retiring members Peter Hathaway and Anita Westerhaus
15 also abstained. The vote for election of the vice-chair was as follows: Seeland –
16 Aboud; Carter – Paulsen; Chen – Paulsen; Haigh – Paulsen; Jeffrey – Paulsen;
17 Robinson – Paulsen; and Wellborn – Paulsen. Thomas Paulsen was elected
18 vice-chair.

19
20 Mr. Hathaway explained that appointments to subcommittees were made based
21 upon a balance among teacher, administrator and public members; balance
22 between males and females; continuity of service of those who had good
23 background and perspective; and previous indication of interest in serving.
24 Mr. Hathaway named the following appointees to the Professional Practices
25 Subcommittee: William Haigh (public member and subcommittee veteran),
26 Jacqueline Wellborn (teacher and subcommittee veteran) and Ying Ying Chen
27 (administrator); on the Executive Subcommittee will serve: DE Director Judy
28 Jeffrey (public member and ex officio), Brian Carter (teacher and subcommittee
29 veteran), Greg Robinson (administrator) and Vice-Chair Thomas Paulsen
30 (teacher, subcommittee veteran and ex officio), raising membership on that
31 subcommittee from three to four.

1 Board Member Jean Seeland is a mentor teacher. The day before the board
2 meeting, Ms. Seeland had conducted two sessions on ethics for the people
3 involved in mentoring in the Area Education Agency (AEA) 267 area, an idea
4 she had proposed earlier for second-year teachers. She distributed some of the
5 brochures recently developed by the Board. She said she is always amazed at
6 the interest in licensure and the questions that people have. Ms. Seeland
7 recommended posters in teachers' lounges with Board contact information as
8 one avenue of continuing public awareness of the Board's role. She suggested
9 that the Board contact the AEAs to see about getting on the agenda at an AEA
10 for one of their mentoring and induction meetings, and she urged continued
11 efforts for public awareness of the Board's purpose. Board Members
12 Jacqueline Wellborn and Judy Jeffrey echoed potential heightened awareness
13 through the mentoring and induction program. Ms. Jeffrey saw an upcoming
14 mentoring and induction institute at UNI as an ideal opportunity to urge
15 instruction at training meetings throughout the year. Board Member Ying Ying
16 Chen proposed making a graphic item available that could be duplicated and
17 distributed by school districts and AEAs, thus saving the Board some costs.
18 Ms. Seeland proposed information in professional association newsletters, as
19 well. Ms. Wellborn then complimented Kathy Collins, Director of Legal Services
20 for School Administrators of Iowa (SAI), for her March 2005 newsletter article
21 on cases before the Board involving inappropriate Internet use by licensed
22 practitioners in the past few years. Ms. Wellborn said that copies of the article
23 are being more widely distributed in her area.

24
25 Board Chair Peter Hathaway asked if there were any public comments. There
26 were none.

27
28 Executive Director Dr. George Maurer reported on a number of issues. Partway
29 through, the Board recessed from 10:09 to 10:41 due to a statewide tornado
30 drill.

- 31 1) The service fee for credit card usage on renewal and duplicate licenses was
32 approved by the several committees whose authorization was required.
- 33 2) Full implementation of the new computer system is scheduled around April 12.

- 1 3) The new computer system will be tooled to record disciplinary actions
2 according to the instructions of the Board. Discussion of the way to track
3 Letters of Reprimand will continue at the May board meeting.
- 4 4) In a legislative update, Senate Study Bill 1287 and House File 816 treat the
5 Board's budget differently. Of the Board's fees, the Senate bill allows the
6 Board 90% and the General Fund 10%, with 10% maximum carryover and
7 any amount over that to the General Fund, effective July 1, 2004. The
8 House bill allows the Board 73% and the General Fund 27%, with 10%
9 maximum carryover and any amount over that to the General Fund,
10 effective July 1, 2005. Dr. Maurer is working on spreadsheets to reflect to
11 legislators the impact on the General Fund of the two proposals. The other
12 House bills affecting the Board—121, 526 and 529—have left the floor and
13 have been sent to the Senate.
- 14 5) The Board looked at an updated outline for the board retreat on June 20-
15 21, 2005. The Board agreed to hold the retreat at Simpson College in
16 Indianola.
- 17 6) Board members reviewed a checklist for board orientation the morning of
18 the May meeting. Incoming board members are Dr. Beverly Smith of the
19 Waterloo CSD and Jeffrey Henderson of the Archdiocese of Dubuque, both
20 associate superintendents.

21
22 Special Education Licensure Consultant Jane Heinsen then made a
23 presentation in response to board member discussion that had occurred at the
24 March 4, 2005, meeting, of a possible change in endorsement to a K-12
25 instructional strategist. The suggestion had arisen during review of
26 superceded rules that needed to be eliminated by Board action. Ms. Heinsen
27 gave a history of the various recommendations of the 1999 Task Force on the
28 restructure of the special education rules to maintain the K-6 and 7-12 grade
29 levels as separate endorsements, and she indicated the ramifications of a
30 change to a
31 K-12 instructional strategist as one endorsement. She distributed a chart and
32 outline showing how the instructional strategist endorsement aligns with what
33 constitutes a highly qualified special education teacher in Iowa under No Child

1 Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA)
2 2004. Ms. Heinsen recommended that the Board eliminate the old rules in
3 Chapter 15, as originally intended, and make no revision to the instructional
4 strategist one endorsement. John Aboud moved, with a second by Jean
5 Seeland, to file under Notice of Intended Action, the changes to the rules in
6 Chapter 15 that are needed to clarify the rules that are being enforced and that
7 would eliminate any conflict that may exist between the old rules and the new
8 rules for the special education endorsements. **MOTION CARRIED**
9 **UNANIMOUSLY.**

10
11 Administrative Consultant Susan Fischer had the Board consider the text of
12 recommended changes in administrative rules in the area of family and
13 consumer sciences (formerly home economics). John Aboud moved, with a
14 second by Greg Robinson, to file under Notice of Intended Action, the proposed
15 changes to Chapters 14 and 16 that update the language in the endorsements
16 to reflect the national standards by which practitioners in the field of family
17 and consumer sciences (formerly home economics) now teach. **MOTION**
18 **CARRIED UNANIMOUSLY.**

19
20 Licensure Consultant Geri McMahon reviewed with the Board rules to
21 accommodate conversion from the initial license to the standard license by
22 those whose birthday falls at an inopportune time of the year, or by those who
23 teach in a nonpublic school, who must teach for three years before eligibility
24 for conversion. Currently, these two sets of practitioners must pay additional
25 fees to maintain their initial license before becoming eligible to obtain their
26 standard license. John Aboud moved, with a second by Anita Westerhaus, to
27 issue a Class A license as a bridge to the standard license to those applicants
28 in the second year of the mentoring and induction program, but whose license
29 expires before the second year is completed, and to those applicants who have
30 taught for two years in a nonpublic school setting and need one additional year
31 to convert to the standard license. **MOTION CARRIED UNANIMOUSLY.**

32
33 The Board recessed for lunch at 11:45 a.m. and reconvened at 12:38 p.m.

1 The Board once again looked at a penalty fee for a licensed teacher that does
2 not hold a valid endorsement in the area of service for which the person is
3 employed. Administrative Consultant Susan Fischer distributed a sheet with
4 actual instances of anonymous teachers and an administrator functioning
5 invalidly out of their area, including teaching without an Iowa license
6 altogether. The Board deemed the latter situation particularly egregious.
7 Brian Carter and Jean Seeland, respectively, moved and then withdrew the
8 motion to notice the new subrule with significant changes. The Board, instead,
9 deferred action in order to see clean copy of the subrule at the next meeting,
10 when the irregularities would be categorized by lack of valid endorsement and
11 lack of Iowa teaching license, and penalty fees assessed accordingly.

12
13 The Board considered, as a first reading, changes to rules regarding out-of-
14 state applicants. John Aboud moved, with a second by Greg Robinson, to move
15 the proposed amendments regarding out-of-state applicants with respect to
16 recognized non-Iowa institutions, exchange licenses and the Class A license to
17 the next level of the rulemaking process. **MOTION CARRIED UNANIMOUSLY.**

18
19 Board members discussed briefly the possible need to change administrative
20 rules so as to broaden the eligibility of the Board office to initiate complaints.
21 Following input from the Board office, the Board will confer about the issue
22 again at a later meeting.

23
24 The Board achieved consensus on proposed board meeting dates for the
25 balance of calendar year 2005: May 5, June 20-21 (Board retreat), July
26 29, September 12, October 7, November 4, and December 9. Proposed
27 meeting dates for calendar year 2006 occur on the first Friday of the
28 month, and the Board will decide on dates for 2006 at a future board
29 meeting.

30
31 There being no further business, Board Chair Peter Hathaway adjourned the
32 meeting at 1:45 p.m. He then returned to DE Director Judy Jeffrey the gavel

- 1 that she had passed to him at the January board meeting. Ms. Jeffrey will
- 2 henceforth hold the position of Board Chair, as directed by statute.